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7 Attorneys for Defendant

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11  
12 AMERICAN CIVIL LIBERTIES UNION OF )  
NORTHERN CALIFORNIA, )

13 Plaintiff, )

14 v. )

15 U.S. IMMIGRATION AND CUSTOMS )  
16 ENFORCEMENT, )

17 Defendant. )

Case No. 18-cv-03050-JCS

**JOINT CASE MANAGEMENT CONFERENCE  
STATEMENT**

Date & Time: Aug. 24, 2018, 2 p.m.

Courtroom: G, 15<sup>th</sup> Floor

Location: Phillip Burton Federal Building  
450 Golden Gate Avenue  
San Francisco, California

Hon. Joseph C. Spero

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19 **JOINT CASE MANAGEMENT CONFERENCE STATEMENT**

20 The parties jointly submit this case management conference statement pursuant to the Court's  
21 May 5, 2018, Order (ECF 4), Standing Order for All Judges of the Northern District of California, dated  
22 January 17, 2017, Civil Local Rule 16-9, and Federal Rule of Civil Procedure 26(f).

23 **1. Jurisdiction and Service.**

24 There are no issues concerning personal jurisdiction, venue, or service. Plaintiff asserts  
25 jurisdiction under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"); and Defendant has been  
26 served.  
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1 **2. Statement of Facts.**

2 Plaintiff filed two FOIA requests with Defendant seeking records reflecting information related  
3 to contracts by and between Defendant and any contractors related to automated license plate reader  
4 (“ALPR”) technology, as well as any training materials, privacy guidance, audit logs, and other  
5 documents relating to any use and sharing of ALPR data by Defendant. Plaintiff’s FOIA requests were  
6 dated (1) March 19, 2018 (tracking number 2018-ICFO-26258) and (2) March 21, 2018 (tracking  
7 number 2018-ICFO-27097). As of the filing of the complaint on May 23, 2018, Defendant had not  
8 released records responsive to Plaintiff’s requests. Plaintiff’s complaint asserts that Defendant  
9 wrongfully withheld the requested records in violation of FOIA. Defendant denies plaintiff’s  
10 allegations.

11 Defendant is currently working to respond to the two FOIA requests. Defendant made its first  
12 interim release on July 13, 2018, and a second interim release on July 18, 2018. Defendant has collected  
13 more than 1,800 additional pages and a number of spreadsheets that are currently being reviewed for  
14 release in response to Plaintiff’s FOIA requests. Defendant plans to produce any non-exempt records to  
15 Plaintiff on a rolling basis in monthly interim releases until the responses are complete. Defendant  
16 anticipates that it will complete its review, production, and response to Plaintiff’s FOIA requests in mid-  
17 November 2018.

18 **3. Legal Issues.**

19 Plaintiff’s complaint (ECF 1) raises a number of issues, including whether Defendant wrongfully  
20 withheld agency records in violation of FOIA and whether Plaintiff is entitled to injunctive relief.

21 **4. Motions.**

22 The parties anticipate that any issues that cannot be resolved between the parties will be  
23 submitted to the Court via cross-motions for summary judgment.

24 **5. Amendment of Pleadings.**

25 At this time, the parties do not anticipate amending the pleadings.  
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1 **6. Evidence Preservation.**

2 The parties certify that they have reviewed the Guidelines Relating to the Discovery of  
3 Electronically Stored Information (“ESI Guidelines”). The parties acknowledge their duty to preserve  
4 relevant materials in accordance with applicable rules and case law.

5 **7. Disclosures.**

6 At this time the parties do not anticipate the need for discovery in this FOIA action and  
7 respectfully request that the Court excuse the parties from the exchange of initial disclosures pursuant to  
8 Federal Rule of Civil Procedure 26.

9 **8. Discovery.**

10 The parties do not anticipate the need for discovery in this FOIA action at this time.

11 **9. Class Actions.**

12 Not applicable.

13 **10. Related Cases.**

14 None.

15 **11. Relief.**

16 Plaintiff seeks declaratory and injunctive relief with respect to the search, release and disclosure  
17 of requested agency records, as well as attorneys’ fees and costs.

18 Defendant states that Plaintiff is not entitled to any relief.

19 **12. Settlement and ADR.**

20 The parties are currently working to resolve their disputes and do not believe that ADR is  
21 necessary or appropriate at this time. If the parties are unable to resolve all of the issues raised by  
22 plaintiff’s complaint, the parties may seek referral to a United States Magistrate Judge for a settlement  
23 conference at an appropriate time.

24 **13. Consent to Magistrate Judge for all Purposes.**

25 The parties have consented to United States Magistrate Judge jurisdiction in this case.

26 **14. Other References.**

27 This case is not suitable for reference to binding arbitration, a special master, or the Judicial  
28

1 Panel on Multidistrict litigation.

2 **15. Narrowing of Issues.**

3 The parties are working to resolve their disputes and narrow the issues (if any) to be presented to  
4 the Court for its resolution by cross-motions for summary judgment.

5 **16. Expedited Trial Procedure.**

6 The parties do not believe that this case is appropriate for an expedited trial.

7 **17. Scheduling.**

8 The parties propose the following schedule for summary judgment in the event that they cannot  
9 resolve their disputes:

Event	Date
Defendant's Motion for Summary Judgment	December 14, 2018
Plaintiff's Opposition and Cross-Motion for Summary Judgment	January 18, 2019
Defendant's Opposition and Reply	February 15, 2019
Plaintiff's Reply	March 1, 2019
Hearing on Cross-Motions	March 8, 2019

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17 **18. Trial.**

18 At this time, the parties expect that any disputed issues will be resolved on cross-motions for  
19 summary judgment and do not anticipate the need for trial in this FOIA action.

20 **19. Disclosure of Non-party Interested Entities or Persons.**

21 Plaintiff states that there are no interested parties that must be disclosed pursuant to Civil Local  
22 Rule 3-15.

23 This requirement does not apply to the federal defendant.

24 **20. Professional Conduct.**

25 All attorneys of record for the parties have reviewed the Guidelines for Professional Conduct for  
26 the Northern District of California.

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1 Dated: August 16, 2018

ALEX G. TSE  
United States Attorney

2  
3 /s/ Robin M. Wall  
ROBIN M. WALL  
Assistant United States Attorney  
Attorneys for Federal Defendant

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5  
6 Dated: August 16, 2018

AMERICAN CIVIL LIBERTIES UNION  
OF NORTHERN CALIFORNIA

7  
8 /s/ Vasudha Talla  
VASUDHA TALLA  
Attorneys for Plaintiff

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11 **CERTIFICATION**

12 Pursuant to Civil Local Rule 5-1(i)(3), the undersigned hereby attests that Vasudha Talla has  
13 concurred in the filing of this document.

14 Dated: August 16, 2018

ALEX G. TSE  
United States Attorney

15  
16 /s/ Robin M. Wall  
ROBIN M. WALL  
Assistant United States Attorney  
Attorneys for Federal Defendant